

Lahontan Regional Water Quality Control Board

September 18, 2015

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**Violations of Land Use Controls at Site OT071, Former George Air Force Base,
Victorville, San Bernardino County**

Introduction

The California Regional Water Quality Control Board, Lahontan Region (Water Board) received your letter dated June 5, 2015, regarding the "RWQCB Letter dated December 19, 2014, re Violations of LUCs or ERCs at Site OT071, Former George Air Force Base (AFB)." The Air Force's strategy for managing the land use control (LUC) issues is described in its June 5, 2015, letter and is summarized in Enclosure 1.

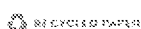
As documented in the correspondence, the Air Force and the Southern California Logistics Airfield Authority (SCLAA) have made significant efforts to improve the implementation of LUCs at the former GAFB since the violations of LUCs at Site OT071 were identified in the December 19, 2014, Water Board letter. In general, the measures that have been taken and the LUC Compliance Program included in the Air Force letter dated June 5, 2015, appear appropriate. However, Water Board staff request additional information about the measures being implemented to ensure that the LUCs are followed, including how long these procedures have been in place, how the information generated is being tracked, and why those LUCs that were in place were not successful in this instance, as described further in our comment letter below.

Following is a list of correspondence regarding the observed LUC violations.

1. 12/19/14 – Water Board letter to Air Force documenting violation of land use controls (LUCs) observed in former George AFB (GAFB) housing area of Site OT071,
2. 01/29/15 – Air Force letter to Southern California Logistics Airfield Authority (SCLAA), City of Victorville, regarding violations of LUCs at the former housing area,
3. 01/30/15 – Air Force initial response to Water Board's request for information regarding LUC violations,
4. 03/13/15 – SCLAA response to Air Force letter regarding LUC violations,
5. 03/23/15 – Water Board comment letter to Air Force responses to previous staff comments on the Draft Site OT071 Corrective Action Plan for Pesticides in groundwater,

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6. 04/10/15 – Air Force response to SCLAA regarding institutional controls,
7. 05/06/15 – SCLAA letter to Air Force dated 05/06/15 regarding LUC violations,
8. 06/05/15 – Air Force response to SCLAA letter dated 05/06/15 regarding LUC violations, and
9. 06/05/15 – Air Force letter to Water Board describing how LUCs will be managed, including summary of the Former GAFB LUC Compliance Program.

Water Board staff has reviewed the related documents and has the general and specific comments that are provided below.

Background

As described in the Water Board letter to the Air Force dated December 19, 2014, Water Board staff observed fence construction field work being done at the former housing area of GAFB by workers contracted through the City of Victorville (City). That letter went on to state the following:

"It appears there were violations of the land use controls established for the former housing area at GAFB during this project. Specific land use controls established during the transfer of the former base property to the City to protect human health from known pesticide soil contamination at the housing area were not followed, resulting in an unknown risk to site workers. We request the Air Force provide additional information to ensure that the required land use controls are followed in the future."

More specifically, the deed associated with the transfer of the former housing area from the Air Force to the City contained environmental restrictive covenants (ERCs), including the requirement to have a health and safety plan for any soil disturbing activities. The shallow soil in the former housing area is known to contain the pesticide dieldrin at concentrations that, in some areas, exceeds human health-based criteria, and the lateral and vertical extent of that contamination has not been fully delineated. The fence construction work crew was observed drilling at locations where the dieldrin concentration was unknown and handling the soil without the appropriate personal protective equipment (e.g., chemical resistant gloves). The fence installation work was being conducted without a health and safety plan, which should have evaluated the potential risks at the site and required the appropriate personal protective equipment to ensure that site workers were not exposed to contamination at the site.

Air Force and Victorville Responses to the Observed LUC Violations

The letters listed above (numbered 2 through 4 and 6 through 8) between the Air Force and SCLAA document the efforts to evaluate the LUC violations observed at the former housing area and the steps being taken to ensure that required LUCs will be followed in the future at GAFB.

The June 5, 2015, letter from the Air Force to the Water board provided a summary of the Air Force's current LUC Compliance Program as Attachment 4. This summary states that "Multiple and redundant inspections, information tools, and coordination processes are in

place to provide compliance surveillance over the implementation of land use restrictions." The following eight elements described in the LUC Compliance Program are summarized below.

1. Integrated Information Tool (IIT) – The Air Force IIT is a central database repository of all Installation Restoration Program site information used to track the activities programmed and completed at each site. The IIT contains various modules to manage the IRP sites during various stages from project planning through project execution. A new IIT module dedicated to tracking land use restrictions is being developed to support the annual LUC compliance surveillance inspection process.
2. Annual LUC Compliance Surveillance Inspections – Currently at the former GAFB, annual LUC compliance surveillance inspections are performed by the Air Force to evaluate compliance with LUC restrictions and to document findings and recommendations using a GAFB-specific database that contains all of the known property transfer/lease documentation
3. Monitoring of Daily and Weekly Activities – The Air Force provides an on-site field representative to monitor daily and weekly activities on a case by case basis, which according to the LUC Compliance Program summary, "...provides continuous surveillance on changes in site conditions and new redevelopment activities..."
4. City Consultation Zone and County Notification Zone – The City has designated a "Consultation Zone" and the County of San Bernardino has designated a "Notification Zone." In both cases, these represent areas tracked by the City and County (respectively) where well permit applications require coordination with the Air Force, the Water Board, and the U.S. EPA. If a permit is submitted for a well in one of these zones, the Air Force will determine if the proposed well has the potential to interfere with groundwater restoration efforts and/or if the groundwater is impacted by known chemicals of concern. The Air Force findings and recommendations are submitted to the City and/or County as appropriate.
5. Soil Disturbance Encroachment Permitting Process – The Air Force has an existing, mandatory, soil disturbance Encroachment Permitting process to coordinate activities that require any subsurface soil disturbances at the former GAFB. The Air Force's on-site field representative must review and approve each Encroachment Permit prior to the work commencing.
6. Annual Lease Compliance Inspections – The Air Force performs annual lease compliance inspections on all land that is leased to other parties, including land leased to SCLAA. Subtenants are also subject to this annual inspection. These inspections are conducted to evaluate compliance with all environmental requirements imposed on leased land, including LUC compliance.
7. Joint Strategic Planning and Redevelopment Forum (JSPRF) – The recently established JSPRF includes representatives from the Air Force, the SCLA team, the SCLAA redevelopment agency (with Stirling Development as the master developer), and the SCLA subtenants. The purpose of these meetings that are held as needed, but no less frequently than every three months, is to coordinate proposed redevelopment plans with the Air Force's environmental cleanup program.
8. Coordination with the City's Development Department – The Air Force has asked the City's Development Department staff to coordinate with the Air Force on all redevelopment plans and future activities at the former GAFB especially where existing LUCs and/or IRP infrastructure are of concern. The City is implementing a

database containing LUCs that will include the former GAFB. This database will provide the City's planners with land use restriction information during the project review process.

General Comments

1. In the Former GAFB LUC Compliance Program summary provided as Attachment 4 of the Air Force's June 6, 2015 letter, it is not clear how long each of the eight procedures have been in place and what written documentation is produced from each procedure. Please clarify in the LUC Compliance Program summary how long each of the eight procedures has been followed, describe what written documentation is produced from each procedure, and provide examples of the written documentation for each procedure.
2. For procedures listed in the LUC Compliance Program that were in place prior to the LUC violations observed in October of 2014, please explain how the procedures failed to prevent the LUC violations documented in the December 19, 2014 letter.
3. The LUC Compliance Program Summary should be revised to include a document date and version name (e.g., Draft Final). As noted in the Specific Comments below, we still have concerns about how some of the "inspections, information tools, and coordination processes" described in the program will be implemented over the long-term, and whether or not they are enforceable. However, the environmental restrictions recorded in the deed are accessible to the public and enforceable by the Air Force against the land owner or leaseholder.

Specific Comments

1. P. 2, 6th paragraph (Soil Stockpiles with Building Debris), 2nd sentence. Please clarify the "regulatory residential screening levels" reference. Were the detected concentrations compared to the current U.S. EPA's residential Regional Screening Levels?
2. P. 3, 1st paragraph (Soil Sampling), 3rd sentence. Please clarify the "EPA allowed regulatory residential screening levels" reference. Were the detected concentrations compared to the current U.S. EPA's residential Regional Screening Levels?
3. We could not find reference to the City's "Consultation Zone" or the County's "Notification Zone" in their codes, ordinances, or plans. How is the process implemented? If there is coordination/communication between the Air Force, City, County, Water Board and U.S. EPA, why is it just the Air Force that submits findings and recommendation to the City or County? Does the City or County have the ability to deny well permits to applicants whose wells could potentially interfere with the Air Force's cleanup or be contaminated by the underlying groundwater pollution?
4. The Air Force refers to "a mandatory, formal soil disturbance Encroachment Permitting process." What does it mean that the process is "mandatory and formal?" If it was formally promulgated, what sort of process did it go through before adoption, and where is the requirement located? How do applicants know that they are to submit for review and approval plans for soil disturbing activities? How is the program enforced?
5. The Air Force notes that it annually inspects Air Force land leased to other parties to ensure that the lessees or sub-tenants are in compliance with environmental

requirements imposed on the land. Is this a formal requirement that the Air Force is required to do each year? If so, where is that requirement and the guidelines or regulations for those inspections set out?

6. The Air Force states that it has established a "Joint Strategic Planning and Redevelopment Forum. How was this entity established, and what are its powers? Please provide any bylaws or other governing documents.
7. The Air Force states that it has "asked" the City's Development Department staff to coordinate with the Air Force on all redevelopment plans and future activities at the former GAFB. It then states that this coordination will "ensure" that all redevelopment plans and proposed projects consider existing and future environmental conditions and land use restrictions, and that the City is currently "implementing a database containing LUCs and environmental conditions." Unless the City incorporates into its municipal code that process, the Water Board disagrees that this coordination would "ensure" that future development will consider environmental conditions and land use restrictions. Informal coordination between agencies, while a good first step, is neither certain to occur (especially as staff change over time) or enforceable by law.

We recognize the substantial efforts the Air Force and the City have invested in improving compliance with existing LUCs and we look forward to working together to ensure that established LUCs are protective of human health and the environment. Please provide responses to the above questions and comments, and provide another version of the LUC Compliance Program summary after the requested revisions are completed. You may contact Todd Battey (760) 241-7340, Todd.Battey@waterboards.ca.gov or Cindi Mitton (760) 241-7413, Cindi.Mitton@waterboards.ca.gov if you have any questions regarding this letter.



Todd Battey PG
Engineering Geologist

Enclosure: Summary of the Air Force letter to the Water Board dated June 5, 2015, describing how LUC issues raised in the Water Board letter dated December 19, 2014, will be managed

cc with enclosure:

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TB\GAFB\OT071-Dieldrin\LUC Violations Letter\WB Comments on_AF06-0502015_Letter)reLUC_ViolationLtr_v7

Enclosure

As summarized in the June 5, 2015, letter to the Water Board, the Air Force reviewed the status of issues that were raised in the Water Board letter dated December 19, 2014. The main points of the June 5 letter are summarized below.

- **Access Control Procedures** – SCLAA has implemented additional security procedures to prevent unauthorized access to the former housing area, including road barricades and signage (e.g., No Trespassing signs and No Digging Notice signs).
- **Project Planning Procedures** – SCLAA and City staff reviewed and refined their project planning procedures. The City Development Department plans to coordinate all development at the Southern California Logistics Airfield (SCLA) with the Air Force.
- **Paint Ball Investigation** – The paint ball props noted in the December 19, 2014, LUC violation letter have been removed from the former housing area and additional access controls and signage have been implemented.
- **Soil Stockpiles with Building Debris** – Soil stockpiles noted in the December 19, 2014, LUC violation letter were sampled and results were submitted to the Air Force. Dieldrin and aldrin were below residential screening levels. The soil stockpiles were from street sweeping activities throughout the City, were staged at the former housing area, and are not restricted by Air Force environmental restrictions that apply to the area. The Air Force assisted SCLAA in updating their Soils Management Plan.
- **Soil Sampling** – Disturbed soil created during the October 2014 fence construction activity in the former housing area was sampled for dieldrin and aldrin. Concentrations were below residential screening levels.
- **Future Steps** – Future steps to ensure LUCs are followed are summarized, including the formal review/coordination process started in April 2015 and named the Joint Strategic Planning and Redevelopment Forum (JSPRF). Additionally, the Air Force continues to provide an on-site field representative to monitor daily and weekly activities at the SCLA. Concerns discovered during these informal site inspections will be coordinated with the SCLAA to determine if any follow-up actions are required and "as appropriate, this information will also be coordinated with the RWQCB."